

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>In re: AVANDIA MARKETING, SALES</b>	:	<b>AVANDIA MDL 1871</b>
<b>PRACTICES AND PRODUCTS LIABILITY</b>	:	<b>2007-MD-1871</b>
<b>LITIGATION</b>	:	
	:	
<b>THIS DOCUMENT RELATES TO</b>	:	
	:	
<i>Allied Services Division Welfare Fund v. GSK</i>	:	<b>09-CV-730</b>
	:	
<i>UFCW Local 1776 and Participating Employers Health and Welfare Fund v. GSK</i>	:	<b>10-CV-2475</b>
	:	
<i>United Benefit Fund v. GSK</i>	:	<b>10-CV-5419</b>
	:	

**ORDER**

**AND NOW**, this 22<sup>nd</sup> day of October 2013, upon consideration of Defendant's Motions to Dismiss the claims of the above named Plaintiffs, and all responses, replies, sur-replies, and supplemental authority submitted, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that:

1. The Motion to Dismiss the claims of Allied Services Division Welfare Fund [Case No. 09-730, Doc. No. 19] is **DENIED**. In light of this ruling, Allied Services shall provide a **status report** to the Court, within 14 days of the date of this Order, indicating whether or not it wishes to withdraw its opposed Motion for Leave to File a Third Amended Complaint.
2. The Motion to Dismiss the claims of UFCW Local 1776 [Case No. 10-2475, Doc. No. 16] is **DENIED**.
3. The Motion to Dismiss the claims of United Benefit Fund [Case No. 10-5419, Doc. No. 6] is **DENIED** in substantial part. However, having found that United Benefit Fund lacks standing to assert a claim on its own behalf under Pennsylvania's UTPCLP, its UTPCLP claim asserted on its own behalf is **DISMISSED**. Having found that United Benefit Fund has

failed to state a claim on its own behalf under the consumer protection laws of any state except New York, those state law claims are **DISMISSED** without prejudice.

4. To the extent that the Motions ask the Court to strike the class allegations contained in the complaints, the Court finds a ruling on the viability of the class allegations would be premature, and accordingly **DENIES** the motions to strike class allegations without prejudice.

It is so **ORDERED**.

**BY THE COURT:**

/s/ **Cynthia M. Rufe**

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**CYNTHIA M. RUFÉ, J.**